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10/776,677	02/10/2004	Jonathan J. Oliver	PA3630US	3791
22830	7590	05/12/2009	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303				LEE, PHILIP C
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/776,677	OLIVER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PHILIP C. LEE	2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 January 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11, 13-17, 19-21 and 23-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11, 13-17, 19-21 and 23-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/28/08</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

1. This action is responsive to the amendment filed on January 29, 2009.
2. Claims 1-11, 13-17, 19-21 and 23-35 are presented for examination.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

***Claim Rejections - 35 USC § 103***

4. Claims 1, 3-5, 7-10, 13-15, 17, 28 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalonde et al, US Patent Application Publication 2004/0068542 (hereinafter Lalonde), and Kirsch, US Patent 7,206,814 (hereinafter Kirsch) in view of Wang, US Patent Application Publication 2008/0040439 (hereinafter Wang).
5. As per claims 1 and 35, Lalonde teaches the invention substantially as claimed, comprising: determining the domain from which the message is purported to be sent (Fig. 6; [0040]); determining an IP address from which the message was relayed at some point in transmission of the message (Fig. 6; [0040]); associating the domain with the IP address (Fig. 6; [0031] and [0040]); and classifying the message using the domain and IP address ([0039] and [0040]).

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6. Lalonde does not specifically teach create an IP address and domain pair. Kirsch teaches associating the domain with the IP address to create an IP address and domain pair (col. 6, lines 14-40); classifying the message using the IP address and domain pair based on one or more classification variables (col. 8, lines 31-46); and assigning a score to the IP address and domain pair, the score comprising a ratio of a first classification variable to a second classification variable (col. 12, lines 1-30; col. 11, lines 24-60).

7. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde and Kirsch because Kirsch's teaching of IP address and domain pair would increase the security of Lalonde's system by creating a more trustworthy identifier to indicate an actual sender of the message.

8. Lalonde and Kirsch do not teach variable decaying with time. Wang teaches the one or more classification variables decaying with time ([0046], [0047] and claims 5 and 22).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch and Wang because Wang's teaching of variables decaying with time would increase the security of their system by allowing their system to determine whether to accept or reject messages on the basis of the classification of the sender.

10. As per claim 3, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teach comparing the IP address and domain pair with a related IP address and domain pair (col. 8, lines 11-35; col. 9, lines 26-28).

11. As per claim 4, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes checking classifications of other messages associated with the same domain (i.e., checking the blacklist) ([0042]) and different IP addresses ([0039]).

12. As per claim 5 Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein a plurality of IP addresses is associated with the domain ([0039]).

13. As per claim 7, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teach wherein the IP address is a boundary IP address (col. 7, line 30).

14. As per claim 8, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein the IP address is preconfigured ([0039]).

15. As per claims 9 and 13, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Although Lalonde teaches wherein the IP address is preconfigured

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([0039]), however, Lalonde, Kirsch and Wang do not specifically teach wherein the IP address is preconfigured to be one hop from a gateway IP address. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include IP address preconfigured to be one hop or any hop from a gateway IP address because by doing so it would increase the user control by allowing configuration according to the user's design choice.

16. As per claim 10, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein the IP address is learned ([0039]) (learned from the DNS).

17. As per claim 14, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teach wherein determining the domain from which the message is purported to be sent includes identifying the stated sender domain associated with the message (col. 7, lines 55-64).

18. As per claim 15, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teach wherein the domain is a domain associated with a boundary IP address (col. 7, lines 30, 49-54).

19. As per claim 17, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde and Kirsch further teach wherein classifying includes forming a score

based on previous classifications made to the IP address and domain pair (see Lalonde, [0038] and see Kirsch, col. 12, lines 1-30).

20. As per claim 28, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Kirsch further teach providing a classification based on the IP address and domain pair as input to another classifier (col. 8, lines 17-62).

21. As per claim 30, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes classifying the message based on the IP address ([0039]).

22. As per claim 31, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes classifying the message based on the domain ([0038]).

23. As per claim 32, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde further teach wherein classifying includes classifying the message based on the domain and determining that the message was forged ([0038]).

24. As per claim 33, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde and Kirsch further teach wherein classifying includes determining a score for the IP address (see Lalonde, [0038]; see Kirsch, col. 12, lines 1-30).

25. As per claim 34, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde and Kirsch further teach wherein classifying includes determining a score for the domain (see Lalonde, [0038]; see Kirsch, col. 12, lines 1-30).

26. Claims 2, 6, 11, 16, 19-21 and 23-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Lalonde, Kirsch and Wang as applied to claim 1 above, and further in view of Murray et al, U.S. Patent 7,366761 (hereinafter Murray).

27. As per claim 2, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach overriding a white list. Murray teaches overriding a white list based on the classification (col. 18, lines 38-40).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of overriding a white list based on the classification would increase the effectiveness of their system by filtering unwanted e-mails based on sender information.

29. As per claim 6, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach the IP address is associated with the domain. Murray teaches wherein the IP address is associated with the domain (col. 7, line 65-col. 8, line 4).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of the IP address is associated with the domain would increase the effectiveness of their system by allowing identification of the IP address is associated with the domain in order to filter unwanted e-mails based on sender information.

31. As per claim 11, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach including the IP address is adaptively determined. Murray teaches wherein the IP address is adaptively determined (col.3, lines 25-27).

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Want and Murray because Murray's teaching of the IP address is adaptively determined would increase the effectiveness of their system by allowing determination of the IP address in order to filter unwanted e-mails based on sender information.

33. As per claim 16, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach consulting a white list. Murray teaches wherein classifying includes consulting a white list (col. 4, line 66-col. 5, line 6).

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34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of consulting a white list would increase the effectiveness of their system by allowing identification of the e-mails in order to classify wanted or unwanted e-mails based on sender information.

35. As per claim 19, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach determining a spam ratio. Murray teaches wherein classifying includes determining a spam ratio (col. 9, lines 8-13).

36. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of determining a spam ratio would increase the effectiveness of their system by allowing identification of unwanted e-mails based on spam ratio.

37. As per claim 20, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not specifically teach a spam rate. Murray teaches wherein classifying includes determining a spam rate (col. 10, lines 53-65).

38. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because

Murray's teaching of determining a spam rate would increase the effectiveness of their system by allowing identification of unwanted e-mails based on spam rate.

39. As per claim 21, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not specifically teach a spam rate. Murray teaches wherein classifying includes determining an estimated instantaneous spam rate (col. 10, lines 53-65; col. 11, lines 24-27).

40. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of determining a spam rate would increase the effectiveness of their system by allowing identification of unwanted e-mails based on spam rate.

41. As per claim 23, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach giving a classification weight relative to another classification. Murray teaches wherein classifying includes giving a classification greater weight relative to another classification (col. 9, lines 20-31).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of giving a classification greater weight relative to another classification

would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's reputation.

43. As per claim 24, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach giving a classification weight relative to a computer classification. Murray teaches wherein classifying includes giving a user classification greater weight relative to a computer classification (col. 8, lines 44-50; col. 9, lines 20-31).

44. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of giving a classification greater weight relative to a computer classification would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on complied sender's reputation.

45. As per claim 25, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not teach giving weight of a good classification. Murray teaches wherein classifying includes giving an indeterminate classification a fraction of the weight of a good classification (col. 9, lines 20-31).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because

Murray's teaching of giving weight to a good classification would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's good reputation.

47. As per claims 26 and 27, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. Lalonde, Kirsch and Wang do not specifically teach consulting a table indexed by IP address and domain. Murray teaches wherein classifying includes consulting a table indexed by IP address and domain wherein each cell includes information about previous classifications (col. 9, lines 32-40).

48. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Murray because Murray's teaching of consulting a table of IP address and domain would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's information.

49. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lalonde, Kirsch and Wang as applied to claim 1 above, and further in view of Appleman, U.S. Patent Application Publication 2005/0076240 (hereinafter Appleman).

50. As per claim 29, Lalonde, Kirsch and Wang teach the invention substantially as claimed in claim 1 above. .Although Lalonde teaches providing the IP address and domain classification

as input ([0038] and [0039]), however, Lalonde, Kirsch and Wang do not specifically teach a Bayesian classifier. Appleman teach providing classification based on the IP address and domain as input to a Bayesian classifier ([0058]).

51. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Lalonde, Kirsch, Wang and Appleman because Appleman's teaching of providing the IP address and domain classification as input to a Bayesian classifier would increase the effectiveness of their system by allowing unwanted e-mails to be accurately identified based on sender's information.

52. Applicant's arguments with respect to claims 1-11, 13-17, 19-21 and 23-35 have been considered but are moot in view of the new ground(s) of rejection.

53. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

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period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2448